

EXHIBIT A

CAUSE NO. _____

BRANDON THOMAS	§	IN THE DISTRICT COURT OF
	§	
v.	§	JEFFERSON COUNTY, TEXAS
	§	
GRETCHEN HARGRODER, SCOTT	§	
SKINNER and UBS FINANCIAL	§	
SERVICES, INC.	§	_____ JUDICIAL DISTRICT

**PLAINTIFF BRANDON THOMAS' EMERGENCY MOTION FOR EX PARTE
TEMPORARY RESTRAINING ORDER, APPLICATION FOR TEMPORARY
INJUNCTION AND ORIGINAL PETITION**

NOW COMES Plaintiff, Brandon Thomas ("Thomas") and files this, his Emergency Motion for *Ex Parte* Temporary Restraining Order, Application for Temporary Injunction and Original Petition against UBS Financial Services, Inc, ("UBS"), Scott Skinner ("Skinner"), and Gretchen Hargroder ("Hargroder") (collectively "Defendants"). And, in support thereof, would respectfully show the Court the following:

I. PARTIES

1. Brandon Thomas is a Texas resident residing in Jefferson County, Texas.
2. Gretchen Hargroder is an individual residing in Jefferson County, Texas and is a domiciliary of Texas. She may be served with process at 3450 Dowlen Road, Suite A Beaumont, Texas 77706 or wherever she may be found.
3. Scott Skinner is an individual residing in Harris County, Texas and is a domiciliary of Texas. He may be served with process at 750 Town and Country Blvd, Suite 400 Houston, Texas 77024 or wherever he may be found.
4. UBS Financial Services, Inc. is a foreign corporation conducting business within the State of Texas and may be served with process by serving its registered agent, Corporation Service Co. d/b/a CSCL+, at 211 E 7th Street, Suite 620 Austin, Texas 78701.



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August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

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II. VENUE AND JURISDICTION

5. Venue in this matter is proper in Jefferson County, Texas because Hargroder is a resident of Jefferson County. Additionally, all or a substantial part of the events or omissions giving rise to the claim occurred in Jefferson County. Specifically, the representations made by Defendants pertaining to Thomas' termination were made in the Beaumont office of UBS. Therefore, venue is proper in Jefferson County, Texas pursuant to §15.002(a)(1) and (2) of the Texas Civil Practice and Remedies Code.

6. Texas Courts' assertion of jurisdiction over UBS does not offend the notions of fair play and substantial justice. UBS has systemic and continuous contacts within Texas, including but not limited to its Beaumont office, such that it can reasonably anticipate being hauled into Texas courts.

III. FACTUAL BACKGROUND

7. Before March 10, 2022, Thomas, a forty-year-old father of three, had worked at UBS for the previous eight years. At the time, Thomas was in line to assume management of David Thomas' client accounts that are of significant value upon David Thomas' planned retirement. On March 10th, Thomas met with various officials from UBS, including Hargroder, Skinner, and another UBS official, presumably from UBS' Human Resources Department. During this meeting, Skinner, UBS' Executive Director of South Texas Market, informed Thomas that after a nearly four-month investigation, his employment was terminated with immediate effect.

8. The basis provided by Skinner for Thomas' termination was the failure to disclose the opening of a personal account at a transfer agent where shares were purchased with Thomas' personal funds, which Defendants allege violated UBS policy. Thomas was accused of not disclosing the purchase of shares, all involving personal funds, at a transfer agent in his wife's



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name. Paradoxically, UBS had approved Thomas to open an account with a transfer agent; the very type of account for which he was fired. UBS learned of the second account and the alleged transgression at the time of approval of the initial account when Thomas freely stated he would transfer the funds to the account jointly held with his wife.

9. In April, Thomas received a letter from UBS dated March 31, 2022, which contained a copy of his Form U-5 enclosed. A Form U-5 is the official FINRA (Financial Industry Regulatory Authority, Inc.) form used by broker-dealer and investment adviser firms to disclose why an individual was separated from the firm. In the Form U-5 and Form U-4, the form from which BrokerCheck provides information to the general public on a broker, UBS listed the reason for Thomas' termination as follows:

“Employee was discharged after review determined he violated firm policies by purchasing equity shares directly from a transfer agent without prior approval, transferring those shares into a new account opened in wife's name after approval was denied and he was directed to close external account, and failing to be forth coming to the MSO when requesting to purchase shares outside of UBS without informing you had already made the purchase.”

Per the Form U-5, this basis was filed or explained on March 10th. This was the same reason Skinner and Hargroder and the firing squad gave for termination on March 10th. On June 29th, Thomas filed a claim with FINRA, seeking that the claims made by UBS in the Form U-4 and U-5 be expunged in part due to their inaccuracy and lack of specific details that provide key context on his termination. The claim process with FINRA remains ongoing.

10. In early August, while seeking subsequent employment, Thomas learned that Defendants unilaterally amended the Form U-5 without any notice to him, as well as the Form U-4. In the amended entry to the section providing the reasons for Thomas' termination, UBS provided entirely new and erroneous bases for terminating Thomas:



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“Discharged after reviewed determined employee violated firm policies by accepting orders via email without verbally confirming with client and not being forthcoming when questioned regarding the trades; communicating with a third party regarding two (2) client accounts; and sending CID and “Internal Use Only” documents to a personal email.”

These bases were in addition to fraudulently representing to FINRA that this “new” termination basis was filed or explained on March 10th, the date Thomas was terminated. It was not.

11. Now when one visits BrokerCheck and searches for Thomas, only the amended entry is seen—presenting the viewer with an incorrect narrative that is also inconsistent with the Form U-5. Additionally, these amendments were made with no prior or subsequent notice by Defendants to Thomas or his counsel despite Defendants knowing since March that Thomas is represented by counsel on the matter of his termination and the subsequent FINRA claim. The lack of disclosure was intentional and aimed at impairing Thomas’ future.

12. In essence, Defendants’ actions have painted Thomas with a scarlet letter. Whereas the initial basis given for Thomas’ termination centered solely on actions with Thomas’ personal funds, the amended bases go to the crux of broker relationship: 1) confirmation and transparency of trades with client funds and 2) handling of confidential information. Simply put, UBS is asserting that Thomas cannot be trusted with client funds and information—matters that are none other than career ending.

13. The filing of the amended, inconsistent, and incorrect Forms U-4 and U-5 was intentional and designed to injure Brandon Thomas. Neither the UBS HR official, Skinner, Hargroder or anyone else on the firing squad provided the claims made in the new Form U-4 and U-5 entries as the basis for termination when meeting with Thomas on March 10th. Nor were these claims read from the script by Skinner in that meeting, which followed nearly four months of internal investigations by departments at UBS. Rather, the bases suspiciously appeared only



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after Thomas filed his FINRA claim and UBS hired Morgan, Lewis & Bockius. Circumstances that aren't mere coincidence. The unilateral amendments with FINRA were deliberate actions designed to harm Thomas and enrich UBS.

14. This is important when considered in context UBS' history of hiring and employing brokers with records of past disputes with clients that resulted in settlement payouts due to the brokers' handling of client funds laid out below.¹

<u>Financial Advisor</u>	<u>Payment to customer for Advisor wrongdoing</u>
***** (Active Broker 1)	\$ 7,944
(3 separate disputes)	\$ 10,000
	\$ 18,475
***** (Active Broker 2)	\$ 49,880.33
***** (Active Broker 3)	\$200,000

The list of UBS Financial Advisors in Beaumont who have had customer complaints made against them is also significant.

***** (Active Broker 4)
 ***** (Active Broker 5)
 ***** (Active Broker 6)
 ***** (Active Broker 7)
 ***** (Active Broker 8)
 ***** (Active Broker 9)
 ***** (Active Broker 10)

15. Unlike other brokers hired and still employed by UBS, Thomas has never received a complaint from a client, nor has there been any implication of impropriety during his management of their accounts. Making UBS' decision to terminate and then proceed to defame Thomas all the more bewildering. It's clear, then, that this amended entry is nothing more than an attempt by Defendants to fabricate a much more damning basis for his termination, slander Thomas, and make him virtually unemployable at other firms or in another industry that requires employer and client trust.

¹ Names of the brokers will be made available to the Court via in-camera inspection.



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16. Additionally, it shows that Defendants will persist in making future attempts to create a misleading narrative to deter potential employers from hiring Thomas as well as unlawfully dissuade Thomas from further pursuit of his FINRA claim for expungement of his Form U-5. Doing so ensures Thomas cannot succeed his father, David Thomas, in management of the book of business and client accounts upon David Thomas' previously announced retirement at the end of 2022. In turn, Defendants seek to leave the consolidation of the accounts under a larger group of brokers in the UBS Beaumont office, which Defendants have long sought, as the sole option for David Thomas.

17. As a result of Defendants' actions, Thomas is at a substantial risk of further tarnishing of his name, loss of income and loss of future employment opportunities. Therefore, Thomas moves for an *ex parte* temporary restraining order and temporary injunction to prevent further loss and harm to Thomas as a result of Defendants' actions.

IV. APPLICATION FOR TEMPORARY RESTRAINING ORDER

18. Paragraphs one (1) through seventeen (17) are incorporated by reference.

19. Pursuant to §65.011(1), (2), and (3) of the Texas Civil Practice and Remedies Code, an injunction may be granted if:

- (1) the applicant is entitled to the relief demanded and all or part of the relief requires the restraint of some act prejudicial to the applicant;
- (2) a party performs or is about to perform or is procuring or allowing the performance of an act relating to the subject of pending litigation, in violation of the rights of the applicant, and the act would tend to render the judgment in that litigation ineffectual; and
- (3) the applicant is entitled to a writ of injunction under the principles of equity and the statutes of this state relating to injunctions.

Tex. Civ. Prac. & Rem. Code §65.011 (1), (2) and (3).



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20. Defendants' actions pose an immediate threat and irreparable injury to Thomas. Defendants have and are actively partaking in conduct that tarnishes the name and reputation of Thomas and hinders Thomas' ability to obtain future employment, resulting in loss of income, by putting forth fraudulent and false pretenses for Thomas' termination.

21. It is essential that the Court immediately and temporarily restrain Defendants from continuing with the conduct described in this application. With each passing day, Defendants are depriving Thomas of his good name and standing as well as opportunities to find alternative employment by labeling Thomas as a pariah. Given Defendants' actions over the past five months since Thomas' separation from UBS, there is reason to believe that Defendants will continue harming Thomas by making false claims on official brokerage documents. None can be served in time to prevent further immediate and irreparable injury to Thomas.

V. APPLICATION FOR TEMPORARY INJUNCTION

22. Paragraphs one (1) through twenty-one (21) are incorporated by reference.

23. In order to preserve the status quo and ensure the rights of Thomas are protected during the pendency of this action, Defendants should be cited to appear and show cause as to why a temporary injunction should not be issued for the pendency of this action.

VI. DEFAMATION

24. Paragraphs one (1) through twenty-three (23) are incorporated by reference.

25. Defendants are liable for defamation. Defendants colluded and published a statement of fact in amending the FormU-4 and Form U-5 that is defamatory and false. With regard to the amended entry, Defendants acted with actual malice. As a result of Defendants' actions, Thomas has suffered injury to his reputation, personal humiliation, and mental anguish and suffering.



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VII. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

26. Paragraphs one (1) through twenty-five (25) are incorporated by reference.

27. Defendants are liable for intentional infliction of emotion distress. Defendants have acted intentionally or recklessly by colluding to amend the entry for the Form U-4 and U-5 pertaining to Thomas' March 10th termination. These actions by Defendants are extreme and outrageous and proximately caused Thomas' emotional distress.

VIII. DISCOVERY CONTROL PLAN

28. Thomas intends that discovery be conducted under Discover Control Level 3 pursuant to Rule 190 of the Texas Rules of Civil Procedure. Thomas requests that the Court order an expedited discovery process given the nature of the claims at issue and the effect on his livelihood. Thomas would show he seeks monetary relief of over \$1,000,000 as well as non-monetary relief. This amount is within the jurisdictional limits of the Court.

IX. NOTICE OF SELF-AUTHENTICATION

29. This paragraph is given as notice to Defendants that Thomas intends to use all discovery responses as evidence at trial in accordance with such right privileges established by Texas Rule of Civil Procedure 193.7. Tex. R. Civ. P. 193.7.

X. ALTERNATIVE CLAIMS

30. Pursuant to Rules 47 and 48 of the Texas Rules of Civil Procedure, claims in this petition are made in the alternative.

XI. REQUEST FOR DEPOSITION

31. Once Hargroder, Skinner and UBS have provided their Initial Disclosures, Thomas requests the deposition of Hargroder, Skinner and a corporate representative for UBS.



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XII. REQUEST FOR RELIEF

THEREFORE, Brandon Thomas requests that this Court issues an *Ex Parte* Temporary Restraining Order, and, after notice and a hearing, a Temporary Injunction be issued enjoining Scott Skinner, UBS Financial Services, Inc., and Gretchen Hargroder during the pendency of this action from:

- a. Any additional defamation of Brandon Thomas;
- b. Further unilateral revisions to the Form U-4 and Form U-5 without first bringing said revisions to the Court's attention and a hearing being held; and
- c. Further activities designed to force the transfer of David Thomas' clients and book of business to a larger group of brokers within UBS.

Lastly, Brandon Thomas requests the Court enter judgment in favor of Thomas, that Defendants' claims, if any, be dismissed with prejudice, and Thomas be awarded actual damages, punitive damages, damages for mental anguish, attorneys' fees, costs of suit, pre and post-judgment interest, and all other relief, in law and equity, to which Thomas is entitled.

Respectfully submitted,

STRONG PIPKIN BISSELL & LEDYARD, L.L.P.

/s/ Greg M. Dykeman

Greg M. Dykeman
State Bar No. 06325100
gdykeman@strongpipkin.com
Patrick C. Crosby
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14th Floor, San Jacinto Building
595 Orleans
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(409) 981-1120
(409) 981-1010 FAX
**ATTORNEYS FOR PLAINTIFF,
BRANDON THOMAS**



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August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

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JAMIE SMITH
JEFFERSON COUNTY DISTRICT CLERK
1085 PEARL STREET, ROOM 203, BEAUMONT, TX 77701

REQUEST FOR PROCESS

All sections must be completed for processing this request.

Section 1:

Cause No. _____

Date 8-22-22

Style:

Brandon Thomas

VS

Gretchen Hargroder, Scott Skinner and UBS Financial Services, Inc.

Section 2:

Check Process Type:

☒ Citation ☐ Precept to Serve / Notice of Hearing/Notice to Show Cause

☒ Temporary Restraining Order

☐ Application for Protective Order / Temporary (Ex Parte) Protective Order

☐ Notice of Registration of Foreign Judgment ☐ Citation by Posting

☐ Writ of _____ ☐ Other _____

☐ Citation by Publication*- Newspaper: _____

☐ Check box if you would like the District Clerk's Office to make copies for your service. (\$1.00 per page per pleading for copies for service)

Section 3:

Title of Document/Pleading to be attached for service: Emergency Motion for Ex Parte TRO,
Application for TI and Original Petition; Temporary Restraining Order and Order Setting TI Hearing,

Note: You must furnish one copy of the document/pleading for each party served.

Section 4: PARTIES TO BE SERVED (Please type or print):

1. Name: Gretchen Hargroder

Address: 3450 Dowlen Road, Suite A OR WHEREVER SHE MAY BE FOUND

City: Beaumont State: TX Zip: 77706

2. Name: Scott Skinner

Address: 750 Town and Country Blvd., Suite 400 OR WHEREVER HE MAY BE FOUND

City: Houston State: TX Zip: 77024



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3. Name: UBS Financial Services, Inc. through its registered agent, Corporation Service Co. d/b/a CSCL+

Address: 211 E. 7th Street, Suite 620

City: Austin State: TX Zip: 78701

4. Name: _____

Address: _____

City: _____ State: _____ Zip: _____

5. Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Section 5

Check Service Type:

- | | |
|---|--|
| <input type="checkbox"/> No Service | <input type="checkbox"/> Secretary of State |
| <input type="checkbox"/> Sheriff | <input type="checkbox"/> Commissioner of Insurance |
| <input type="checkbox"/> Constable Pct. | <input type="checkbox"/> Out of County |
| <input type="checkbox"/> Out of State | <input checked="" type="checkbox"/> Private Process <input type="checkbox"/> Other |
| <input type="checkbox"/> Certified Mail | |

Section 6 (ONLY if Section 7 does not apply)

Attorney Name: Greg M. Dykeman

Address: 595 Orleans, 14th Floor

Beaumont

Street/P.O. Box

TX

77701

City

State

Zip

Attorney's Telephone No. 409-981-1000 Attorney's Bar No. 06325100

Section 7 (ONLY if Section 6 does not apply)

Pro-Se Name: _____

Address: _____

City

State

Zip

Telephone No. _____

Section 8

Check Delivery Type:

- ☐ Hold for pickup ☒ Mail to Attorney X Please email to msandlin@strongpipkin.com



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JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

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CITATION

THE STATE OF TEXAS**No. D-0210249****BRANDON THOMAS
VS. GRETCHEN HARGRODER ET AL****CITATION****136th JUDICIAL DISTRICT COURT
of JEFFERSON COUNTY, TEXAS****To: HARGRODER, GRETCHEN**

by serving at:

**3450 DOWLEN ROAD
SUITE A
BEAUMONT, TX 77706****DEFENDANT:****NOTICE:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org." Said answer may be filed by E-filing through efiletexas.gov, if represented by an attorney; or if filed pro se by delivering or mailing same to: District Clerk's Office, 1085 Pearl, Room 203, Beaumont, TX 77701. The case is presently pending before the 136th District Court of Jefferson County sitting in Beaumont, Texas, and was filed on the 22nd day of August, 2022. It bears cause number D-0210249 and is styled:

Plaintiff:

BRANDON THOMAS

VS.

GRETCHEN HARGRODER ET AL

Defendant:

The name and address of the attorney for plaintiff (or plaintiff if pro se) is:

**DYKEMAN, GREG M, Atty.
595 ORLEANS STE 1400
BEAUMONT, TX 77701 0**

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's PETITION (PLAINTIFF'S ORIGINAL) accompanying this citation and made a part thereof.

Issued under my hand and the seal of said court, at Beaumont, Texas, this the 23rd day of August, 2022.

**JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS**

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Witness my Hand and Seal of Office
August 31, 2022
JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS
Jamie Smith Page 1 of 2



BY
Jennifer

Deputy

RETURN OF SERVICE

D-0210249 136th JUDICIAL DISTRICT COURT

BRANDON THOMAS

GRETCHEN HARGRODER ET AL

Executed when copy was delivered:

This is a true copy of the original citation, was delivered to defendant _____, on the ____ day of _____, 20____.

_____, Officer

_____, County, Texas

By: _____, Deputy

ADDRESS FOR SERVICE:

HARGRODER, GRETCHEN

3450 DOWLEN ROAD

SUITE A

BEAUMONT, TX 77706 0000

OFFICER'S RETURN

Came to hand on the ____ day of _____, 20____, at _____, o'clock ____m., and executed in _____, County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Citation at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

_____ and the cause or failure to execute this process is:

_____ and the information received as to the whereabouts of said defendant(s) being:

FEES:

Serving Petition and Copy \$ _____

Total \$ _____

_____, Officer

_____, County, Texas

By: _____, Deputy

Affiant**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.**

In accordance with Rule 107: The officer of authorized person who serves, or attempts to serve, a citation shall sign and return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____, and my address is _____
(First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____, County, State of _____, on the ____ day of _____.

Declarant/Authorized Process Server_____
(Id # expiration of certification)

I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith
Page 2 of 2

CITATION

THE STATE OF TEXAS**No. D-0210249****BRANDON THOMAS
VS. GRETCHEN HARGRODER ET AL****CITATION****136th JUDICIAL DISTRICT COURT
of JEFFERSON COUNTY, TEXAS**To: **SKINNER, SCOTT**

by serving at:

**750 TOWN AND COUNTRY BLVD
SUITE 400
HOUSTON, TX 77024****DEFENDANT:****NOTICE:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org." Said answer may be filed by E-filing through efiletexas.gov, if represented by an attorney; or if filed pro se by delivering or mailing same to: District Clerk's Office, 1085 Pearl, Room 203, Beaumont, TX 77701. The case is presently pending before the 136th District Court of Jefferson County sitting in Beaumont, Texas, and was filed on the 22nd day of August, 2022. It bears cause number D-0210249 and is styled:

Plaintiff:

BRANDON THOMAS

VS.

GRETCHEN HARGRODER ET AL

Defendant:

The name and address of the attorney for plaintiff (or plaintiff if pro se) is:

**DYKEMAN, GREG M, Atty.
595 ORLEANS STE 1400
BEAUMONT, TX 77701 0**

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's PETITION (PLAINTIFF'S ORIGINAL) accompanying this citation and made a part thereof.

Issued under my hand and the seal of said court, at Beaumont, Texas, this the 23rd day of August, 2022.

**JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS**

I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office
August 31, 2022
JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS
Jamie Smith Page 1 of 2



BY
Jennifer

Deputy

RETURN OF SERVICE

D-0210249 136th JUDICIAL DISTRICT COURT
 BRANDON THOMAS
 GRETCHEN HARGRODER ET AL

Executed when copy was delivered:

This is a true copy of the original citation, was delivered to defendant _____, on the ____ day of _____, 20____.

_____, Officer
 _____, County, Texas
 By: _____, Deputy

ADDRESS FOR SERVICE:
 SKINNER, SCOTT

750 TOWN AND COUNTRY BLVD
 SUITE 400
 HOUSTON, TX 77024 0000

OFFICER'S RETURN

Came to hand on the ____ day of _____, 20____, at _____, o'clock ____m., and executed in _____, County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Citation at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

and the cause or failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

FEES:

Serving Petition and Copy \$ _____
 Total \$ _____

_____, Officer
 _____, County, Texas

By: _____, Deputy

 Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer of authorized person who serves, or attempts to serve, a citation shall sign and return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____, and my address is _____
 (First, Middle, Last)

 (Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____, County, State of _____, on the ____ day of _____.



I CERTIFY THIS IS A TRUE COPY
 Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
 JEFFERSON COUNTY, TEXAS

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 Declarant/Authorized Process Server

 (Id # expiration of certification)

CITATION

THE STATE OF TEXAS

No. D-0210249

BRANDON THOMAS
VS. GRETCHEN HARGRODER ET AL

CITATION

136th JUDICIAL DISTRICT COURT
of JEFFERSON COUNTY, TEXAS

To: **UBS FINANCIAL SERVICES INC**
BY SERVING ITS REGISTERED AGENT
CORPORATION SERVICE COMPANY

by serving at:
211 EAST 7TH STREET
SUITE 620
AUSTIN, TX 78701

DEFENDANT:

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org." Said answer may be filed by E-filing through efiletexas.gov, if represented by an attorney; or if filed pro se by delivering or mailing same to: District Clerk's Office, 1085 Pearl, Room 203, Beaumont, TX 77701. The case is presently pending before the 136th District Court of Jefferson County sitting in Beaumont, Texas, and was filed on the 22nd day of August, 2022. It bears cause number D-0210249 and is styled:

Plaintiff:

BRANDON THOMAS

VS.

GRETCHEN HARGRODER ET AL

Defendant:

The name and address of the attorney for plaintiff (or plaintiff if pro se) is:

DYKEMAN, GREG M, Atty.
595 ORLEANS STE 1400
BEAUMONT, TX 77701 0

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's PETITION (PLAINTIFF'S ORIGINAL) accompanying this citation and made a part thereof.

Issued under my hand and the seal of said court, at Beaumont, Texas, this the 23rd day of August, 2022.

JAMIE SMITH, DISTRICT CLERK
 JEFFERSON COUNTY, TEXAS



I CERTIFY THIS IS A TRUE COPY
 Witness my Hand and Seal of Office
 August 31, 2022
 JAMIE SMITH, DISTRICT CLERK
 JEFFERSON COUNTY, TEXAS
Jamie Smith Page 1 of 2

BY
 Jennifer

Deputy

RETURN OF SERVICE

D-0210249 136th JUDICIAL DISTRICT COURT

BRANDON THOMAS

GRETCHEN HARGRODER ET AL

Executed when copy was delivered:

This is a true copy of the original citation, was delivered to defendant _____, on the ____ day of _____, 20____.

_____, Officer

_____, County, Texas

By: _____, Deputy

ADDRESS FOR SERVICE:

UBS FINANCIAL SERVICES INC

BY SERVING ITS REGISTERED AGENT

211 EAST 7TH STREET

SUITE 620

AUSTIN, TX 78701 0000

OFFICER'S RETURN

Came to hand on the ____ day of _____, 20____, at _____, o'clock ____m., and executed in _____, County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Citation at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

_____ and the cause or failure to execute this process is:

_____ and the information received as to the whereabouts of said defendant(s) being:

FEES:

Serving Petition and Copy \$ _____

Total \$ _____

_____, Officer

_____, County, Texas

By: _____, Deputy

Affiant**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.**

In accordance with Rule 107: The officer of authorized person who serves, or attempts to serve, a citation shall sign and return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____, and my address is _____
(First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____, County, State of _____, on the ____ day of _____.



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith
Page 2 of 2

Declarant/Authorized Process Server_____
(Id # expiration of certification)

CIVIL DOCKET, DISTRICT COURT

CASE NO. D-0210249-

[illegible]

FILED
DISTRICT CLERK OF
JEFFERSON CO TEXAS
8/23/2022 2:14 PM
JAMIE SMITH
DISTRICT CLERK
D-210249

GREG M. DYKEMAN

BOARD CERTIFIED
CIVIL TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

DIRECT 409.981.1120
gdykeman@strongpipkin.com

August 23, 2022

VIA E-FILE

Hon. Baylor Wortham
136th District Court
Jefferson County Courthouse
ATTN: Dana Marshburn

Re: Cause No. D-210429; Brandon Thomas v Gretchen Hargroder, Scott Skinner and UBS
Financial Services, Inc.; In the 136th District Court of Jefferson County, Texas

Dear Dana:

This will confirm your discussion with my assistant wherein you agreed that the hearing on Plaintiff's Application for Temporary Injunction is now scheduled for an **in person hearing beginning at 9:00 a.m. on Friday, September 2, 2022.**

Thank you for your consideration and courtesies in this matter.

Sincerely,

STRONG PIPKIN BISSELL & LEDYARD, L.L.P.

/s/ Greg M. Dykeman

Greg M. Dykeman

GMD/ms
47664.1468836



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 1 of 3

Automated Certificate of eService

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Mary Sandlin on behalf of Greg Dykeman

Bar No. 06325100

msandlin@strongpipkin.com

Envelope ID: 67571495

Status as of 8/23/2022 2:25 PM CST

Associated Case Party: BRANDONTHOMAS

Name	BarNumber	Email	TimestampSubmitted	Status
Greg M. Dykeman	6325100	gdykeman@strongpipkin.com	8/23/2022 2:14:05 PM	SENT
PATRICK CROSBY		pcrosby@strongpipkin.com	8/23/2022 2:14:05 PM	SENT



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 2 of 3

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Mary Sandlin on behalf of Greg Dykeman

Bar No. 06325100

msandlin@strongpipkin.com

Envelope ID: 67571495

Status as of 8/23/2022 2:25 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Mary Sandlin		msandlin@strongpipkin.com	8/23/2022 2:14:05 PM	SENT



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Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 3 of 3

DISTRICT CLERK OF
JEFFERSON COUNTY, TEXAS
8/23/2022 4:32 PM

CITATION

THE STATE OF TEXAS

JAMIE SMITH
DISTRICT CLERK
D-210249

No. D-0210249

BRANDON THOMAS
VS. GRETCHEN HARGRODER ET AL

CITATION

136th JUDICIAL DISTRICT COURT
of JEFFERSON COUNTY, TEXAS

To: SKINNER, SCOTT

by serving at:
750 TOWN AND COUNTRY BLVD
SUITE 400
HOUSTON, TX 77024

DEFENDANT:

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Said answer may be filed by E-filing through efiletexas.gov, if represented by an attorney; or if filed pro se by delivering or mailing same to: District Clerk's Office, 1085 Pearl, Room 203, Beaumont, TX 77701. The case is presently pending before the 136th District Court of Jefferson County sitting in Beaumont, Texas, and was filed on the 22nd day of August, 2022. It bears cause number D-0210249 and is styled:

Plaintiff:

BRANDON THOMAS

VS.

GRETCHEN HARGRODER ET AL

Defendant:

The name and address of the attorney for plaintiff (or plaintiff if pro se) is:

DYKEMAN, GREG M, Atty.
595 ORLEANS STE 1400
BEAUMONT, TX 77701-0

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's PETITION (PLAINTIFF'S ORIGINAL) accompanying this citation and made a part thereof.

Issued under my hand and the seal of said court, at Beaumont, Texas, this the 23rd day of August, 2022.

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS



BY

Deputy

Jennifer



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith
Page 1 of 4

RETURN OF SERVICE

D-0210249

136th JUDICIAL DISTRICT COURT

BRANDON THOMAS

GRETCHEN HARGRODER ET AL

Executed when copy was delivered:

This is a true copy of the original citation, was delivered to defendant Scott Skinner, on the 23rd day of August, 20 22.

_____, Officer
Harris, County, Texas
 By: _____, Deputy

ADDRESS FOR SERVICE:

SKINNER, SCOTT

750 TOWN AND COUNTRY BLVD
 SUITE 400
 HOUSTON, TX 77024 0000

OFFICER'S RETURN

Came to hand on the 23rd day of August, 20 22, at 1:00 o'clock P.m., and executed in Harris, County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Citation at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
<u>Scott Skinner</u>	<u>08-23-2022 at 1:52 pm</u>	<u>750 Town and Country Blvd. Suite 400, Houston, TX 77024</u>

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

and the cause or failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

FEES:

Serving Petition and Copy \$ _____
 Total \$ _____

_____, Officer
Harris, County, Texas
 By: _____, Deputy
A R M
 Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign and return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is Angela Rocha, my date of birth is 11/02/1990, and my address is
 (First, Middle, Last)
1370 Apton St., Houston, TX 77055

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in Harris, County, State of Texas, on the 23rd day of August, 2022

A R M
 Declarant/Authorized Process Server
 PSC: 20269 exp. 09/30/2023
 (Id # expiration of certification)



I CERTIFY THIS IS A TRUE COPY
 Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
 JEFFERSON COUNTY, TEXAS

Jamie Smith
 Page 2 of 4

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 67585162

Status as of 8/23/2022 5:07 PM CST

Associated Case Party: BRANDONTHOMAS

Name	BarNumber	Email	TimestampSubmitted	Status
Greg M. Dykeman	6325100	gdykeman@strongpipkin.com	8/23/2022 4:32:23 PM	SENT
PATRICK CROSBY		pcrosby@strongpipkin.com	8/23/2022 4:32:23 PM	SENT



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 3 of 4

Automated Certificate of eService

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Envelope ID: 67585162

Status as of 8/23/2022 5:07 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Mary Sandlin		msandlin@strongpipkin.com	8/23/2022 4:32:23 PM	SENT



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 4 of 4

DISTRICT CLERK OF
JEFFERSON COUNTY, TEXAS
8/23/2022 4:32 PM 9--00008

THE STATE OF TEXAS

JAMIE SMITH
DISTRICT CLERK
D-210249

No. D-0210249

BRANDON THOMAS
VS. GRETCHEN HARGRODER ET AL

WRIT OF TEMPORARY RESTRAINT

136th JUDICIAL DISTRICT COURT
of JEFFERSON COUNTY, TEXAS

To: SKINNER, SCOTT
750 TOWN AND COUNTRY BLVD
SUITE 400
HOUSTON, TX 77024 0000

GREETING:

WHEREAS:
THOMAS, BRANDON

filed his petition in the 136th District Court of Jefferson County, Texas, in the 22nd day of August A.D., 2022, in a suit numbered D-0210249 on the Docket of said Court, wherein

BRANDON THOMAS

plaintiff and

GRETCHEN HARGRODER ET AL

defendant for TEMPORARY RESTRAINT AND FOR OTHER RELIEF AS SOUGHT

And, Whereas, the Honorable BAYLOR WORTHAM, Judge has made upon said petition his order, JUDGE'S ORDER FULLY SET FORTH IN ACCOMPANYING CERTIFIED COPY OF COURT ORDER ENTERED August 23rd, 2022 WHICH IS ATTACHED HERETO AND MADE A PART HEREOF.

YOU ARE HEREBY COMMANDED TO OBEY SAID ATTACHED ORDER.

Given under my hand and the seal of said court at office in Beaumont, Texas, this the 23rd day of August A.D., 2022.

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS
BY:



Jennifer Deputy

Jennifer Deputy



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 1 of 4

RETURN OF SERVICE

D-0210249 136th JUDICIAL DISTRICT COURT

BRANDON THOMAS

GRETCHEN HARGRODER ET AL

Executed when copy was delivered:

This is a true copy of the original citation, was delivered to defendant Scott Skinner, on the 23rd day of August, 2022.

_____, Officer

_____, Harris, County, Texas

By: _____, Deputy

ADDRESS FOR SERVICE:

SKINNER, SCOTT

750 TOWN AND COUNTRY BLVD

SUITE 400

HOUSTON, TX 77024 0000

OFFICER'S RETURN

Came to hand on the 23rd day of August, 2022, at 1:00 o'clock p.m., and executed in Harris, County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Writ of Temporary Restraint at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
Scott Skinner	08-23-2022 at 1:52 pm	750 Town and Country Blvd. Suite 400, Houston, TX 77024

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being: _____

and the cause or failure to execute this process is: _____

and the information received as to the whereabouts of said defendant(s) being: _____

FEES:

Serving Petition and Copy \$ _____

Total \$ _____

_____, Officer

_____, Harris, County, Texas

By: _____, Deputy

Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign and return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is Angela Rocha, my date of birth is 11/02/1990, and my address is _____
(First, Middle, Last)

1370 Apton St., Houston, TX 77055

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in Harris, County, State of Texas, on the 23rd day of August, 2022

Declarant/Authorized Process Server

PSC: 20269 exp. 09/30/2023

(Id # expiration of certification)



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

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Envelope ID: 67585162

Status as of 8/23/2022 5:07 PM CST

Associated Case Party: BRANDONTHOMAS

Name	BarNumber	Email	TimestampSubmitted	Status
Greg M. Dykeman	6325100	gdykeman@strongpipkin.com	8/23/2022 4:32:23 PM	SENT
PATRICK CROSBY		pcrosby@strongpipkin.com	8/23/2022 4:32:23 PM	SENT



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August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 3 of 4

Automated Certificate of eService

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Envelope ID: 67585162

Status as of 8/23/2022 5:07 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Mary Sandlin		msandlin@strongpipkin.com	8/23/2022 4:32:23 PM	SENT



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August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 4 of 4

FILED
DISTRICT CLERK OF
JEFFERSON CO TEXAS
8/23/2022 10:37 AM
JAMIE SMITH
DISTRICT CLERK
D-210249

CAUSE NO. D-210,249

BRANDON THOMAS	§	IN THE DISTRICT COURT OF
	§	
v.	§	JEFFERSON COUNTY, TEXAS
	§	
GRETCHEN HARGRODER, SCOTT	§	
SKINNER and UBS FINANCIAL	§	
SERVICES, INC.	§	<u>136th</u> JUDICIAL DISTRICT

TEMPORARY RESTRAINING ORDER AND ORDER SETTING HEARING FOR
TEMPORARY INJUNCTION

On August 23, 2022, came to be heard the Emergency Motion for *Ex Parte* Temporary Restraining Order and Application for Temporary Injunction filed by Brandon Thomas ("Thomas"). After Considering the Motion, and the argument of counsel, if any, the Court finds:

- A. If the Court does not issue the temporary restraining order, continued harm is imminent to Thomas, and Thomas will be irreparably injured because of the conduct of UBS Financial Service, Inc., Scott Skinner, and Gretchen Hargroder (collectively "Defendants").
- B. The probable injury to be suffered by Thomas cannot be adequately compensated as any damages awarded will come too late to be effective if a temporary restraining order is not issued. A temporary restraining order is necessary because Thomas has no other adequate remedy at law and, unless Defendants are enjoined by the Court, Thomas' injuries will likely be permanent and irreversible. It is essential that the Court act immediately in order to protect Thomas from further injury; and
- C. Based on the balance of equities, injunctive relief is proper due to the harm to Thomas as a result of Defendants' conduct.



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 1 of 5

THEREFORE, THE COURT:

- A. ORDERS, ADJUDGES, AND DECREES that Defendants are enjoined from any additional and further defamation of Brandon Thomas;
- B. ORDERS, ADJUDGES, AND DECREES that Defendants are enjoined from any additional and further unilateral revisions to the Form U-4 and Form U-5 complained of without first bringing said revisions to the Court's attention and a hearing being held on same;
- C. ORDERS, ADJUDGES, AND DECREES that Defendants are enjoined from further activities designed to force the transfer of David Thomas' clients and book of business to a larger group of brokers within UBS;
- D. ORDERS, ADJUDGES, AND DECREES that Defendants shall produce to the Court and Thomas all documents and/or materials its claims support the amendments to the Form U-4 and Form U-5 at least three (3) days prior to the Temporary Injunction hearing set forth below;
- E. ORDERS, ADJUDGES, AND DECREES that Defendants appear and be prepared to discuss how discovery in this matter shall proceed on an expediated basis; and

- F. ORDERS the Clerk to issue notice to Defendants that the hearing on Thomas'

Application for Temporary Injunction is set for September 2nd, 2022 at 9:00 am

a.m. ~~p.m.~~ * via zoom - instructions attached

The purpose of the hearing shall be to determine whether this Temporary Restraining Order should be made a temporary injunction, pending a full trial on the merits; and

- A. Sets bond at \$500.

This order expires on September 2nd, 2022.



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 2 of 5

Signed this 23rd day of August, 2022.

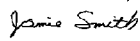

JUDGE PRESIDING



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

 Page 3 of 5

Judge Baylor Wortham is inviting you to a scheduled Zoom meeting.

Topic: D-210,249; Brandon Thomas v. Gretchen Hargroder, et al

Time: Sep 2, 2022 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://txcourts.zoom.us/j/87968958960>

Meeting ID: 879 6895 8960

One tap mobile

+13462487799,,87968958960# US (Houston)

+12532158782,,87968958960# US (Tacoma)

Dial by your location

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 719 359 4580 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 386 347 5053 US

+1 564 217 2000 US

+1 646 931 3860 US

Meeting ID: 879 6895 8960

Find your local number: <https://txcourts.zoom.us/u/kdIxb8tpNE>

Join by Skype for Business

<https://txcourts.zoom.us/skype/87968958960>



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August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 4 of 5

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Envelope ID: 67552010

Status as of 8/23/2022 10:52 AM CST

Associated Case Party: BRANDONTHOMAS

Name	BarNumber	Email	TimestampSubmitted	Status
PATRICK CROSBY		pcrosby@strongpipkin.com	8/23/2022 10:37:06 AM	SENT
Greg M. Dykeman	6325100	gdykeman@strongpipkin.com	8/23/2022 10:37:06 AM	SENT



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August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 5 of 5

FILED
DISTRICT CLERK OF
JEFFERSON CO TEXAS
8/23/2022 10:37 AM
JAMIE SMITH
DISTRICT CLERK
D-210249

CAUSE NO. D-210,249

BRANDON THOMAS	§	IN THE DISTRICT COURT OF
	§	
v.	§	JEFFERSON COUNTY, TEXAS
	§	
GRETCHEN HARGRODER, SCOTT	§	
SKINNER and UBS FINANCIAL	§	
SERVICES, INC.	§	<u>136th</u> JUDICIAL DISTRICT

**TEMPORARY RESTRAINING ORDER AND ORDER SETTING HEARING FOR
TEMPORARY INJUNCTION**

On August 23, 2022, came to be heard the Emergency Motion for *Ex Parte* Temporary Restraining Order and Application for Temporary Injunction filed by Brandon Thomas ("Thomas"). After Considering the Motion, and the argument of counsel, if any, the Court finds:

- A. If the Court does not issue the temporary restraining order, continued harm is imminent to Thomas, and Thomas will be irreparably injured because of the conduct of UBS Financial Service, Inc., Scott Skinner, and Gretchen Hargroder (collectively "Defendants").
- B. The probable injury to be suffered by Thomas cannot be adequately compensated as any damages awarded will come too late to be effective if a temporary restraining order is not issued. A temporary restraining order is necessary because Thomas has no other adequate remedy at law and, unless Defendants are enjoined by the Court, Thomas' injuries will likely be permanent and irreversible. It is essential that the Court act immediately in order to protect Thomas from further injury; and
- C. Based on the balance of equities, injunctive relief is proper due to the harm to Thomas as a result of Defendants' conduct.



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August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 1 of 5

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- A. ORDERS, ADJUDGES, AND DECREES that Defendants are enjoined from any additional and further defamation of Brandon Thomas;
- B. ORDERS, ADJUDGES, AND DECREES that Defendants are enjoined from any additional and further unilateral revisions to the Form U-4 and Form U-5 complained of without first bringing said revisions to the Court's attention and a hearing being held on same;
- C. ORDERS, ADJUDGES, AND DECREES that Defendants are enjoined from further activities designed to force the transfer of David Thomas' clients and book of business to a larger group of brokers within UBS;
- D. ORDERS, ADJUDGES, AND DECREES that Defendants shall produce to the Court and Thomas all documents and/or materials its claims support the amendments to the Form U-4 and Form U-5 at least three (3) days prior to the Temporary Injunction hearing set forth below;
- E. ORDERS, ADJUDGES, AND DECREES that Defendants appear and be prepared to discuss how discovery in this matter shall proceed on an expediated basis; and

- F. ORDERS the Clerk to issue notice to Defendants that the hearing on Thomas'

Application for Temporary Injunction is set for September 2nd, 2022 at 9:00 am

* via zoom - instructions attached
a.m. ~~p.m.~~ The purpose of the hearing shall be to determine whether this Temporary

Restraining Order should be made a temporary injunction, pending a full trial on the merits; and

- A. Sets bond at \$500.

This order expires on September 2nd, 2022.



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Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 2 of 5

Signed this 23rd day of August, 2022.

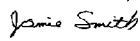

JUDGE PRESIDING



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

 Page 3 of 5

Judge Baylor Wortham is inviting you to a scheduled Zoom meeting.

Topic: D-210,249; Brandon Thomas v. Gretchen Hargroder, et al

Time: Sep 2, 2022 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://txcourts.zoom.us/j/87968958960>

Meeting ID: 879 6895 8960

One tap mobile

+13462487799,,87968958960# US (Houston)

+12532158782,,87968958960# US (Tacoma)

Dial by your location

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 719 359 4580 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 386 347 5053 US

+1 564 217 2000 US

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August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 4 of 5

Automated Certificate of eService

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Envelope ID: 67552010

Status as of 8/23/2022 10:52 AM CST

Associated Case Party: BRANDONTHOMAS

Name	BarNumber	Email	TimestampSubmitted	Status
PATRICK CROSBY		pcrosby@strongpipkin.com	8/23/2022 10:37:06 AM	SENT
Greg M. Dykeman	6325100	gdykeman@strongpipkin.com	8/23/2022 10:37:06 AM	SENT



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August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 5 of 5

THE STATE OF TEXAS

No. D-0210249

BRANDON THOMAS
VS. GRETCHEN HARGRODER ET AL

WRIT OF TEMPORARY RESTRAINT

136th JUDICIAL DISTRICT COURT
of JEFFERSON COUNTY, TEXAS

To: HARGRODER, GRETCHEN
3450 DOWLEN ROAD
SUITE A
BEAUMONT, TX 77706 0000

GREETING:

WHEREAS;
THOMAS, BRANDON

filed his petition in the 136th District Court of Jefferson County, Texas, in the 22nd day of August A.D., 2022, in a suit numbered D-0210249 on the Docket of said Court, wherein

BRANDON THOMAS

plaintiff and

GRETCHEN HARGRODER ET AL

defendant for TEMPORARY RESTRAINT AND FOR OTHER RELIEF AS SOUGHT.

And, Whereas, the Honorable BAYLOR WORTHAM, Judge has made upon said petition his order, JUDGE'S ORDER FULLY SET FORTH IN ACCOMPANYING CERTIFIED COPY OF COURT ORDER ENTERED August 23rd, 2022 WHICH IS ATTACHED HERETO AND MADE A PART HEREOF.

YOU ARE HEREBY COMMANDED TO OBEY SAID ATTACHED ORDER.

Given under my hand and the seal of said court at office in Beaumont, Texas, this the 23rd day of August A.D., 2022.

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS
BY:



Jennifer Deputy



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 1 of 2

RETURN OF SERVICE

D-0210249 136th JUDICIAL DISTRICT COURT

BRANDON THOMAS

GRETCHEN HARGRODER ET AL

Executed when copy was delivered:

This is a true copy of the original citation, was delivered to defendant _____, on the ____ day of _____, 20____.

_____, Officer

_____, County, Texas

By: _____, Deputy

ADDRESS FOR SERVICE:

HARGRODER, GRETCHEN

3450 DOWLEN ROAD

SUITE A

BEAUMONT, TX 77706 0000

OFFICER'S RETURN

Came to hand on the ____ day of _____, 20____, at _____, o'clock ____m., and executed in _____, County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Writ of Temporary Restraint at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

_____ and the cause or failure to execute this process is:

_____ and the information received as to the whereabouts of said defendant(s) being:

FEES:

Serving Petition and Copy \$ _____

Total \$ _____

_____, Officer

_____, County, Texas

By: _____, Deputy

Affiant**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.**

In accordance with Rule 107: The officer of authorized person who serves, or attempts to serve, a citation shall sign and return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____, and my address is _____
(First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____, County, State of _____, on the ____ day of _____.

Declarant/Authorized Process Server_____
(Id # expiration of certification)

I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith
Page 2 of 2

THE STATE OF TEXAS

No. D-0210249

BRANDON THOMAS
VS. GRETCHEN HARGRODER ET AL

WRIT OF TEMPORARY RESTRAINT

136th JUDICIAL DISTRICT COURT
of JEFFERSON COUNTY, TEXAS

To: SKINNER, SCOTT
750 TOWN AND COUNTRY BLVD
SUITE 400
HOUSTON, TX 77024 0000

GREETING:

WHEREAS;
THOMAS, BRANDON

filed his petition in the 136th District Court of Jefferson County, Texas, in the 22nd day of August A.D., 2022, in a suit numbered D-0210249 on the Docket of said Court, wherein

BRANDON THOMAS

plaintiff and

GRETCHEN HARGRODER ET AL

defendant for TEMPORARY RESTRAINT AND FOR OTHER RELIEF AS SOUGHT.

And, Whereas, the Honorable BAYLOR WORTHAM, Judge has made upon said petition his order, JUDGE'S ORDER FULLY SET FORTH IN ACCOMPANYING CERTIFIED COPY OF COURT ORDER ENTERED August 23rd, 2022 WHICH IS ATTACHED HERETO AND MADE A PART HEREOF.

YOU ARE HEREBY COMMANDED TO OBEY SAID ATTACHED ORDER.

Given under my hand and the seal of said court at office in Beaumont, Texas, this the 23rd day of August A.D., 2022.

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS
BY:



Jennifer Deputy



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 1 of 2

RETURN OF SERVICE

D-0210249 136th JUDICIAL DISTRICT COURT

BRANDON THOMAS

GRETCHEN HARGRODER ET AL

Executed when copy was delivered:

This is a true copy of the original citation, was delivered to defendant _____, on the ____ day of _____, 20____.

_____, Officer

_____, County, Texas

By: _____, Deputy

ADDRESS FOR SERVICE:

SKINNER, SCOTT

750 TOWN AND COUNTRY BLVD

SUITE 400

HOUSTON, TX 77024 0000

OFFICER'S RETURN

Came to hand on the ____ day of _____, 20____, at _____, o'clock ____m., and executed in _____, County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Writ of Temporary Restraint at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

and the cause or failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

FEES:

Serving Petition and Copy \$ _____

Total \$ _____

_____, Officer

_____, County, Texas

By: _____, Deputy

Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer of authorized person who serves, or attempts to serve, a citation shall sign and return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____, and my address is _____
(First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____, County, State of _____, on the ____ day of _____.

Declarant/Authorized Process Server

(Id # expiration of certification)



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith
Page 2 of 2

THE STATE OF TEXAS

No. D-0210249

**BRANDON THOMAS
VS. GRETCHEN HARGRODER ET AL**

WRIT OF TEMPORARY RESTRAINT

**136th JUDICIAL DISTRICT COURT
of JEFFERSON COUNTY, TEXAS**

To: UBS FINANCIAL SERVICES INC
BY SERVING ITS REGISTERED AGENT CORPORATION SERVICE CO
211 EAST 7TH STREET
SUITE 620
AUSTIN, TX 78701 0000

GREETING:

WHEREAS;
THOMAS, BRANDON

filed his petition in the 136th District Court of Jefferson County, Texas, in the 22nd day of August A.D., 2022, in a suit numbered D-0210249 on the Docket of said Court, wherein

BRANDON THOMAS

plaintiff and

GRETCHEN HARGRODER ET AL

defendant for TEMPORARY RESTRAINT AND FOR OTHER RELIEF AS SOUGHT.

And, Whereas, the Honorable BAYLOR WORTHAM, Judge has made upon said petition his order, JUDGE'S ORDER FULLY SET FORTH IN ACCOMPANYING CERTIFIED COPY OF COURT ORDER ENTERED August 23rd, 2022 WHICH IS ATTACHED HERETO AND MADE A PART HEREOF.

YOU ARE HEREBY COMMANDED TO OBEY SAID ATTACHED ORDER.

Given under my hand and the seal of said court at office in Beaumont, Texas, this the 23rd day of August A.D., 2022.

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS
BY:



Jennifer Deputy



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 1 of 2

RETURN OF SERVICE

D-0210249 136th JUDICIAL DISTRICT COURT

BRANDON THOMAS

GRETCHEN HARGRODER ET AL

Executed when copy was delivered:

This is a true copy of the original citation, was delivered to defendant _____, on the ____ day of _____, 20____.

_____, Officer

_____, County, Texas

By: _____, Deputy

ADDRESS FOR SERVICE:

UBS FINANCIAL SERVICES INC

BY SERVING ITS REGISTERED AGENT CORPORATION SERVICE CO

211 EAST 7TH STREET

SUITE 620

AUSTIN, TX 78701 0000

OFFICER'S RETURN

Came to hand on the ____ day of _____, 20____, at _____, o'clock ____m., and executed in _____, County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Writ of Temporary Restraint at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

_____ and the cause or failure to execute this process is:

_____ and the information received as to the whereabouts of said defendant(s) being:

FEES:

Serving Petition and Copy \$ _____

Total \$ _____

_____, Officer

_____, County, Texas

By: _____, Deputy

Affiant**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.**

In accordance with Rule 107: The officer of authorized person who serves, or attempts to serve, a citation shall sign and return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____, and my address is _____
(First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____, County, State of _____, on the ____ day of _____.



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

August 31, 2022

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith
Page 2 of 2

Declarant/Authorized Process Server_____
(Id # expiration of certification)

CAUSE NO. D-0210249

BRANDON THOMAS,	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
VS.	§	JEFFERSON COUNTY, TEXAS
	§	
GRETCHEN HARGRODER, SCOTT	§	
SKINNER and UBS FINANCIAL	§	
SERVICES, INC.,	§	
<i>Defendants.</i>	§	136TH JUDICIAL DISTRICT

DEFENDANTS' ORIGINAL ANSWER

COME NOW, Gretchen Hargroder, Scott Skinner, and UBS Financial Services, Inc. ("Defendants"), and make and file this, their Original Answer to Plaintiff Brandon Thomas's ("Plaintiff") Original Petition, and would show unto the Court as follows:

I. GENERAL DENIAL

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendants hereby generally deny each and all and singular the material allegations contained in Plaintiff's Original Petition and demand strict proof thereof.

II. DEFENSES AND AFFIRMATIVE DEFENSES

Subject to the above and foregoing general denial, and still insisting on the same, Defendants plead the following matters affirmatively:

1. The claims asserted are subject to one or more mandatory arbitration provisions in agreements between Plaintiff and the Financial Industry

Regulatory Authority (FINRA) as a registered representative, and between Plaintiff and Defendant UBS Financial Services Inc.

2. Defendants' actions toward Plaintiff were at all times taken in good faith, and Defendants did not act intentionally or willfully in violation of any law, regulation, or public policy.
3. Defendants alternatively plead that Plaintiff's damages are limited by all applicable damages caps and limitations provided by law and/or the Constitutions of Texas and/or the United States and/or the Texas Civil Practices & Remedies Code.

Defendants reserve the right to amend this answer and add additional and different defenses or affirmative defenses as may be necessary or desirable after conducting additional discovery and investigations.

III. Prayer

WHEREFORE, PREMISES CONSIDERED, Defendants Gretchen Hargroder, Scott Skinner, and UBS Financial Services, Inc., move and pray that upon trial hereof, Plaintiff Brandon Thomas recover nothing, and that Defendants be awarded such other and further relief as Defendants may be entitled to receive, either special or general, at law or in equity.

Respectfully submitted,

ORGAIN, BELL & TUCKER, L.L.P.
P. O. Box 1751
470 Orleans
Beaumont, TX 77704
Phone: (409) 838-6412
Fax: (409) 838-6959

By: 

John Seth Bullard
State Bar No. 24040601
Email: jb@obt.com

Jack P. Carroll
Texas Bar No. 03886000
Email: jpc@obt.com


ATTORNEYS FOR DEFENDANTS,
GRETCHEN HARGRODER, SCOTT
SKINNER, AND UBS FINANCIAL
SERVICES, INC.

Robert E. Sheeder
State Bar No. 18174300
robert.sheeder@morganlewis.com

MORGAN LEWIS & BOCKIUS LLP
1717 Main Street, Suite 3200
Dallas, Texas 75201
T: 214.466.4000
F: 214.466.4001

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing instrument was forwarded to all counsel of record in accordance with the Texas Rules of Civil Procedure on September 1, 2022.



John Seth Bullard

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

John Bullard on behalf of John Bullard

Bar No. 24040601

jb@obt.com

Envelope ID: 67891126

Status as of 9/1/2022 1:54 PM CST

Associated Case Party: BRANDONTHOMAS

Name	BarNumber	Email	TimestampSubmitted	Status
Greg M. Dykeman	6325100	gdykeman@strongpipkin.com	9/1/2022 1:52:43 PM	SENT
PATRICK CROSBY		pcrosby@strongpipkin.com	9/1/2022 1:52:43 PM	SENT

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John Bullard on behalf of John Bullard

Bar No. 24040601

jb@obt.com

Envelope ID: 67891126

Status as of 9/1/2022 1:54 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Mary Sandlin		msandlin@strongpipkin.com	9/1/2022 1:52:43 PM	SENT

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John Bullard on behalf of John Bullard

Bar No. 24040601

jb@obt.com

Envelope ID: 67891126

Status as of 9/1/2022 1:54 PM CST

Associated Case Party: UBS FINANCIAL SERVICES INC

Name	BarNumber	Email	TimestampSubmitted	Status
John SBullard		jb@obt.com	9/1/2022 1:52:43 PM	SENT
Jack PCarroll		jpc@obt.com	9/1/2022 1:52:43 PM	SENT
Robert Sheeder		robert.sheeder@morganlewis.com	9/1/2022 1:52:43 PM	SENT